

SUBJECT: Allowing certain advance purchases of property for transportation projects

COMMITTEE: Transportation — favorable, without amendment

VOTE: 10 ayes — Morrison, Martinez, Burkett, Y. Davis, Israel, Phillips, Pickett, E. Thompson, S. Thompson, Wray

0 nays

3 absent — Goldman, Minjarez, Simmons

WITNESSES: For — (*Registered, but did not testify*: Leticia Van de Putte, Zachry Corporation)

Against — (*Registered, but did not testify*: Vincent May, Texans for Accountable Government; Jim Baxa)

On — Kyle Madsen, Texas Department of Transportation; (*Registered, but did not testify*: Gus Cannon, Texas Department of Transportation)

BACKGROUND: Transportation Code, sec. 202.112 allows the Texas Transportation Commission to buy an option to acquire property before a final decision has been made as to whether a transportation facility, such as a road, will be located on that property. The option and any subsequent renewal periods must expire within five years. The commission is prohibited from making any advance acquisition using eminent domain.

DIGEST: HB 2646 would allow the Texas Transportation Commission to buy real property before a final decision has been made as to whether a project will be located on that property or before an environmental clearance has been issued for the project by the appropriate federal or state authority.

The bill also would allow the purchase of an option on real property before an environmental clearance has been issued for the project.

This bill would take immediate effect if finally passed by a two-thirds

record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

NOTES:

The author plans to offer a floor amendment that would require the Texas Transportation Commission to first offer property it had obtained under Transportation Code, sec. 202.112 to the person from whom the commission acquired it. The offer price would be either the fair market value or the price the commission paid for the property, whichever was lower.